

session to consider Executive Calendar No. 84, the nomination of Frederick J. Kapala to be a U.S. district judge, there be 20 minutes of debate equally divided between the chairman and ranking member of the Judiciary Committee or their designees, and at the conclusion or yielding back of time, the Senate vote without any intervening action on the nomination; that the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 1138

Mr. BROWN. I ask unanimous consent that S. 1138 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

BY SENATE LEGAL COUNSEL AUTHORIZATION

Mr. BROWN. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 189 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 189) to authorize testimony and legal representation in the District of Columbia v. Ellen E. Barfield, Eve-Leona Tetaz, Jeffrey A. Leys, and Jerome A. Zawada.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony and representation in actions pending in the Superior Court for the District of Columbia. In these actions, anti-war protesters have been charged with unlawful assembly for refusing repeated requests to leave Senator McCain's Washington, DC., office on or about February 5, 2007. Trials of these defendants are scheduled to commence on May 11, 2007. The prosecution has requested that a member of the Senator's staff who had conversations with the defendants during the events in question testify in this case. Senator McCain would like to cooperate by providing testimony from his staff. This resolution would authorize that staff member, and any other employee of Senator McCain's office from whom evidence may be required, to testify in this action, with representation by the Senate Legal Counsel.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, the preamble agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 189) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 189

Whereas, in the cases of District of Columbia v. Ellen E. Barfield (Cr. No. 07-3133), Eve-Leona Tetaz (Cr. No. 07-3144), Jeffrey A. Leys (Cr. No. 07-5009), and Jerome A. Zawada (Cr. No. 07-5088), pending in the Superior Court for the District of Columbia, testimony has been requested from Katie Landi, an employee in the office of Senator John McCain;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Katie Landi and any other employees of Senator McCain's office from whom testimony may be required are authorized to testify in the cases of District of Columbia v. Ellen E. Barfield, Eve-Leona Tetaz, Jeffrey A. Leys, and Jerome A. Zawada, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Katie Landi and other employees of Senator McCain's staff in the actions referenced in section one of this resolution.

EXPRESSING CONDOLENCES TO GREENSBURG, KS

Mr. BROWN. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 190 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 190) expressing the condolences of the Nation to the community of Greensburg, Kansas.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 190) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 190

Whereas, on Friday, May 4, 2007, a tornado struck the community of Greensburg, Kansas;

Whereas this tornado was classified as an EF-5, the strongest possible type, by the National Weather Service, with winds estimated at 205 miles per hour;

Whereas the tornado is the first EF-5 on the Enhanced Fujita scale, and the first F-5 on the previous scale since 1999;

Whereas approximately 95 percent of Greensburg is destroyed;

Whereas 1,500 residents have been displaced from their homes; and

Whereas, in response to the declaration by the President of a major disaster, the Administrator of the Federal Emergency Management Agency has made Federal disaster assistance available for the State of Kansas to assist in local recovery efforts: Now, therefore, be it

Resolved, That the Senate expresses the condolences of the Nation to the community of Greensburg, Kansas, and its gratitude to local, State, and National law enforcement and emergency responders conducting search and rescue operations.

MEASURE READ THE FIRST TIME

Mr. BROWN. I understand that S. 1312, introduced earlier today by Senator DEMINT and others, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 1312) to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

Mr. BROWN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR TUESDAY, MAY 8, 2007

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, May 8; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first half under the control of the majority and the second half under the control of the Republicans; that at the close of morning business, the Senate resume consideration of S. 1082; that on Tuesday, following the vote on the judicial nomination, the Senate stand in recess until 2:15 p.m., in order to accommodate the regular party conference meetings; that all time during any recess, adjournment, and period of morning business count postcloture, and that any time used in morning business by any Member be charged against their hour postcloture; provided further that Members have until 10:30 a.m. Tuesday to file any second-degree amendments, notwithstanding rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.